

CHAPTER NO. 219

HOUSE BILL NO. 863

By Representatives Marrero, Shepard, Davidson, Miller, Harmon, Kelsey, Bowers, Mike Turner, Todd, Fitzhugh

Substituted for: Senate Bill No. 1676

By Senators Cohen, Kurita

AN ACT to amend Tennessee Code Annotated, Title 49, relative to self-administration of certain medications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following as a new subsection:

(e) A student with anaphylaxis is entitled to possess and self-administer prescription anaphylaxis medication while on school property or at a school-related event or activity if:

(1) the prescription anaphylaxis medication has been prescribed for that student as indicated by the prescription label on the medication;

(2) the self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and

(3) a parent of the student provides to the school:

(A) written authorization, signed by the parent, for the student to self-administer prescription anaphylaxis medication while on school property or at a school-related event or activity;

(B) a written statement, signed by the parent, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription anaphylaxis medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;

(C) a written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that states:

(i) that the student has anaphylaxis and is capable of self administering the prescription anaphylaxis medication;

(ii) the name and purpose of the medication;

(iii) the prescribed dosage for the medication;

(iv) the times at which or circumstances under which the medication may be administered; and

(v) the period for which the medication is prescribed.

(4) The physician's statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.

(5) If a student uses such medication in a manner other than prescribed, such student may be subject to disciplinary action under the school codes.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 9, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2005


PHIL BREDESEN, GOVERNOR